THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 2987 OF 2000

Date: 01.09.2006

Between:

Miss. Rohini Jabras.

... Petitioner

and

Government of A.P. rep., by its Secretary for Education, Secretariat, Hyderabad and two others.

... Respondents.

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 2987 OF 2000

ORDER:

The relief sought for in the writ petition is to declare the action of the respondents in trying to appoint an outsider as a librarian, in the vacant sanctioned post of librarian existing in the 3rd respondent college, without considering the case of the petitioner though he is fully eligible and qualified for appointment/promotion as librarian, as arbitrary and illegal and for a consequential direction to appoint the petitioner as a librarian in the existing vacancy in 3rd respondent college by giving promotion as she is fully eligible and qualified in terms of G.O.Ms. No. 12 dated 10.01.1992.

This Court, by order in W.P.M.P. No. 3874 of 2000 in W.P. No. 2987 of 2000 dated 24.02.2000, passed interim orders directing the respondents to consider the case of the petitioner for appointment/promotion to the post of librarian in the 3rd respondent college and pass appropriate orders and communicate the same to the petitioner within a period of three weeks.

It is represented by Sri T.S. Rayalu, learned Counsel for

the petitioner that the 2nd respondent had passed an order dated 15.08.2006 rejecting the petitioner's case for promotion as librarian. Learned Counsel would submit that since the order was passed only on 15.08.2006, the petitioner has now filed W.P.M.P. (S.R). No. 94782 of 2006 to amend the prayer to include a challenge to the proceedings dated 15.08.2006. The relief sought for in the writ petition is to appoint the petitioner as a librarian. It is well settled that this Court, under Article 226 of the Constitution of India, would not, normally, issue a mandamus directing that an employee be either appointed or promoted to a higher post. The only relief which can be granted is to consider the case of the petitioner for appointment/promotion in accordance with the rules. Since the petitioner's case has been considered, in compliance with the interim orders of this Court and his case for promotion/appointment to the post of librarian has been rejected by the proceedings dated 15.08.2006, the said proceedings dated 15.08.2006 constitutes a distinct cause of action for which the remedy, if any, is only by way of a separate writ petition and not by an amendment to a writ petition filed six years ago, in the year 2000. Leaving it open to the petitioner, if he so chooses, to challenge the proceedings dated 15.08.2006, the writ petition is dismissed. No costs.

Date: 01-09-2006

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RAMESH RANGANATHAN,J

MRKR